

TOWN OF WESTWOOD
COMMONWEALTH of MASSACHUSETTS

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PLANNING BOARD

DECISION OF THE PLANNING BOARD

**Wireless Communication Overlay District (WCOD) Special Permit
Pursuant to Sections 7.3, 9.4 & 10.3 of the Town of Westwood Zoning Bylaw**

APPLICANT Elizabeth Jamieson
SBA Towers II LLC (leaseholders)
134 Flanders Road, Suite 125
Westborough, MA 01581

PROPERTY OWNERS Glacier LLC
116 Flanders Road, Suite 2000
Westborough, MA 01581

PROPERTY LOCUS 60-90 Glacier Drive
Assessor's Map 23, Lot 231

BACKGROUND AND PROJECT SUMMARY

Elizabeth Jamieson on behalf of SBA Towers II LLC (hereinafter "Applicant") filed an application (hereinafter "Application") requesting a WCOD Special Permit pursuant to Sections 7.3, 9.4 and 10.3 of the Town of Westwood Zoning Bylaw (hereinafter "Zoning Bylaw") to install three (3) DISH Wireless panel antennas and associated equipment expanding with a new 36" diameter canister added to a 10-foot long portion of the existing 30" diameter monopole. Proposal also includes related amplifiers, cables, fiber and other associated antenna equipment, including remote radio heads and other appurtenances with associated electronic equipment within the existing fenced compound area at the base located at 60-90 Glacier Drive, Westwood, MA 02090 also known as Assessor's Map 23, Lot 231. The project is on the Glacier LLC property in the Highway Business (HB) zoning district, within Flexible Multiple Use Overlay District 3 (FMUOD3), and within the Wireless Communication Overlay District (WCOD).

STATEMENT OF FINDINGS

PROCEDURAL FINDINGS

Having reviewed the plans and reports filed by the Applicant and its representatives and considered the technical analysis, supplemental information provided during the course of the public hearing, correspondence and testimony from the various boards, commissions, Town departments, and all other interested parties, the Town of Westwood Planning Board (hereinafter "Planning Board") determined the following procedural and project findings:

1. The Applicant filed an Application requesting a Planning Board WCOD Special Permit pursuant to Sections 7.3, 9.4 and 10.3 with the Planning Board on May 30, 2023 that was certified with the Westwood Town Clerk on June 27, 2023.
2. Pursuant to M.G.L. Chapter 40A, Sections 9 and 11 and the applicable provisions of the Zoning Bylaw and Town of Westwood Planning Board Rules and Regulations (hereinafter "Rules and Regulations"), the Planning Board caused notice of the public hearing to be published in *Hometown Weekly*, a newspaper of general circulation in Westwood, on June 22, 2023 and June 29, 2023. Notice of the public hearing was posted in Westwood Town Hall commencing on June 16, 2023, and continuing through the opening of the public hearing on July 11, 2023. Said notice was mailed postage prepaid to all Parties in Interest as defined in M.G.L. Chapter 40A, Section 11 on June 21, 2023.
3. The Planning Board provided digital copies of the Application to Town boards, commissions, departments, and officials – including, but not limited to, the Board of Health, Building Commissioner, Department of Public Works, Town Engineer, Conservation Commission, and Fire and Police Chiefs on June 27, 2023.
4. Public hearing for the Application opened July 11, 2023. The Planning Board met remotely via Zoom Webinar. Public comment was accepted through live time audio and the Question function on Zoom during hearings, in addition to in writing or by phone.
5. Westwood Planning Board Members Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff were present for the public hearing and deliberated on the Application at a duly authorized meeting on July 11, 2023.
6. The Applicant failed to answer questions posed by the Town Planner and staff and failed to attend the public hearing to present that Application and answer questions from Board members and attendees.
7. The Applicant has not demonstrated to the satisfaction of the Planning Board that there exists a significant gap in coverage and that said gap would be sufficiently reduced or eliminated by the proposed wireless communication facility.
8. The Applicant has not demonstrated to the satisfaction of the Planning Board that the wireless communication facility must be located at the proposed site due to technical, topographical or other unique circumstances, in order to satisfy a demonstrated gap in coverage.
9. The Applicant has not demonstrated to the satisfaction of the Planning Board that the visual and aesthetic impacts of the wireless communication facility on nearby properties will be minimal, and that no reasonable combination of locations, techniques or technologies will mitigate the height or visual impact of the proposed wireless communication facility.

10. The Applicant has not demonstrated that the proposed alterations to an existing wireless facility would not be detrimental to the Town or to the general character or visual appearance of the surrounding neighborhood or abutting uses, and would be consistent with the intent of the Bylaw.
11. The Applicant has not demonstrated to the satisfaction of the Planning Board that the wireless communication facility will have no significant adverse impact on the town and surrounding residential properties.
12. The Applicant has not demonstrated to the satisfaction of the Planning Board that negative effects of the project will not outweigh any positive impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to that site, nor that the uses allowed are in harmony with the general purpose and intent of Section 9.4 and 10.3 of the Zoning Bylaw.
13. The Project, as proposed, will be detrimental to the Town or to the general character or visual appearance of the surrounding properties and will be inconsistent with applicable standards set forth in Sections 7.3, 9.4 and 10.3 of the Westwood Zoning Bylaw.

PROJECT SPECIFIC FINDINGS

1. The project site (hereinafter "Project Site" or "Property") is located on an approximately 11.79-acre parcel owned by Glacier LLC.
2. The parcel is identified on the Westwood Board of Assessor's Map as 23, Lot 231. The parcel contains two industrial office buildings and two stealth monopole cell towers.
3. The Property is located within the HB zoning district within the WCOD and FMUOD3 zoning overlay districts. A wireless communications facility is a permitted use in this district, subject to all necessary approvals pursuant to Sections 10.3, 9.4 and 7.3 of the Westwood Zoning Bylaw.
4. The Property is bordered by the MBTA Commuter Rail to the west and commercial and industrial development on the remaining sides containing various companies.
5. The Applicant proposed the installation of three (3) panel antennas and jumpers, one (1) antenna flush mount, three (3) diplexers, three (3) BIAS Tees, twelve (12) coax cables, and twelve (12) coax clamps, within an expanded section of an existing stealth monopole, with a new 36" diameter canister added to a 10-foot long portion of the existing 30" diameter monopole, and to install associated equipment within an existing fenced wireless compound, including one (1) ice bridge, one (1) PPC cabinet, one (1) equipment cabinet, one (1) power conduit, one (1) TELCO conduit, one (1) TELCO-fiber box, one (1) GPS unit, one (1) Fiber NID, six (6) RRUs, three (3) diplexers, and three (3) BIAS Tees.
6. The Project proposed 10-foot long section of increased diameter canister will change the exterior appearance of the monopole and defeat the intentional stealth nature of that monopole, but not expand the footprint of the fenced wireless compound.

APPLICATIONS AND PLANS

The Planning Board evaluated the Application filed by or on behalf of the Applicants in the Office of the Town Clerk on June 27, 2023, and all material submitted through the close of the public hearing on July 11, 2023. All of the following plans and material are hereby incorporated by reference and made part of this Decision:

1. WCOD Special Permit #PB-23-37, including project description, and waiver requests, submitted by the Applicant, and received by the Town Clerk and Planning Department on June 27, 2023 (as supplemented through July 11, 2023).
2. Site plans entitled "Plans", prepared by B+T GRP, 1717 S. Boulder, Suite 300, Tulsa, OK 74119, stamped by Peter D. Smith, Civil Engineer, dated December 5, 2022 and revised December 14, 2022, consisting of nineteen (19) sheets.
3. Locus map entitled "Locus Map", prepared by SBA Communications Corporation, 134 Flanders Road, Suite 125, Westborough, MA 01581, dated March 31, 2023, consisting of two (2) sheets.
4. Owner authorization entitled "Property Owner Authorization", signed by John R. Egan, dated December 6, 2009.
5. Radio Frequency Report entitled "Radio Frequency Theoretical Modeling Report", prepared by Fox Hill Telecom, Inc., 255 Park Avenue, Suite 703, Worcester, MA 01609, dated May 12, 2023, consisting of twenty-three (23) pages.

DECISION

On July 11, 2023, the Planning Board evaluated the Application in relation to the above Findings and – as the approving authority – on a roll call vote with five (5) in favor and five (5) opposed, hereby **denies** the requested WCOD Special Permit pursuant to Sections 7.3, 9.4 and 10.3 of the Zoning Bylaw for the Project as described above and in the Application therefore filed with the Town Clerk on June 27, 2023.

RECORD OF VOTE

The following members of the Planning Board voted on July 11, 2023 to **deny** the WCOD Special Permit for the abovementioned Project with conditions as set forth above: Ellen Larkin Rollings, Kathleen Wynne, Joshua C. Ames, Philip M. Giordano, and Christopher A. Pfaff.

The following members of the Planning Board voted in favor to the grant of the WCOD Special Permit for the abovementioned Project: zero (none).



Elijah Romulus, Town Planner
August 3, 2023